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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

APPLICANT : DYER, RICHARD DENNIS ET AL. EXAMINER :
SERIAL NO : 10/071,032 ART UNIT : 1614
FILED : FEBRUARY 8, 2002 PAPER NO :
FOR : BICYCLIC PYRIMIDINE MATRIX METALLOPROTEINASE
INHIBITORS

**PETITION UNDER 37 C.F.R. § 1.181
FOR
CORRECTION OF AN UPDATED FILING RECEIPT
AND
REFUND OF A PREVIOUSLY PAID PETITION FEE**

Commissioner for Patents
Washington, D.C. 20231

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OFFICE OF PETITIONS

Dear Sir:

This paper is a Petition Under 37 C.F.R. § 1.181 for Correction of an Updated Filing Receipt and Refund of a Previously Paid Petition Fee. The instant Petition is responsive to a telephonic conversation on March 14, 2003, with Mr. J. C. Samuels from (703) 305-0239 at the USPTO regarding the Secrecy Order status of United States Application serial number 10/071,032, filed February 8, 2002, which claims benefit of priority from United States Provisional Application number 60/268,780, filed February 14, 2001. In that telephonic conversation, Mr. J. C. Samuels communicated that the instant application has not been placed under Secrecy Order and is not under Secrecy Order.

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THE PETITION:

Applicants hereby respectfully petition the Commissioner for Patents to:

- (1) Determine that the Updated Filing Receipt mailed September 24, 2002, Confirmation no. 3659, contained a statement "application placed under Secrecy Order;"
- (2) Determine that the statement quoted in item (1) above was in error due to a USPTO mistake;
- (3) Determine that the instant application was not placed under Secrecy Order and is not currently under Secrecy Order;
- (4) Determine that Applicants previous Petition Under 37 C.F.R. § 5.4 For Recission of Secrecy Order dated January 7, 2003, and accompanying Petition fee of \$130.00 were unnecessary and submitted on the good faith belief by Applicants that the instant application had been placed under Secrecy Order by the USPTO;
- (5) Determine that the Petition fee of \$130.00 referenced in Item (4) above should be refunded;
- (6) Refund the Petition fee referenced in Item (5) above to Applicants deposit account no. 23-0455;
- (7) Determine that the Updated Filing Receipt referenced in item (1) above should be corrected to delete the phrase "application placed under Secrecy Order;"; and
- (8) Issue a corrected Filing Receipt in accordance with item (7) above.

Applicants further respectfully request a refund of the instant petition fee by way of a credit to Applicants deposit account no. 23-0455 in anticipation that the instant Petition will be granted.